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OFFICE OF PETITIONS

In re Patent No. 6415486 :
Issue Date: 07/09/2002 :
Application Number: 09/516328 : ON PETITION
Filing Date: 03/01/2000 :
Attorney Docket Number: LRI- :
003PAT :

This is a decision in reference to the PETITION TO REVIEW AND RECORD PAYMENT OF A MAINTENANCE FEE FILED PRIOR TO EXPIRATION OF PATENT filed on August 7, 2009, which is treated as a petition filed under 37 CFR 1.377 to review the prior refusal of the PTO to accept and record a timely maintenance fee payment for the above-identified patent.

The petition is **granted**.

Petitioners assert that the first maintenance fee was timely paid with a surcharge on May 26, 2006, in the small entity amount. Petitioners further assert that a Notification of Loss of Small Entity Status and Fee Deficiency Submission under 37 CFR 1.28(c) were filed on August 15, 2006. Petitioners states that they recently learned that the status of the patent was expired. However, petitioners were never informed that the maintenance fee was not accepted, and did not receive any refund thereof.

A review of Office financial records reveals that the first maintenance fee was timely paid, but that due to an Office error in processing the fee deficiency submission under 37 CFR 1.28(c), the patent was incorrectly indicated as expired.

In view thereof, the patent is not expired. The Office apologizes for any inconvenience to petitioners.

As the error was not due to that of petitioners, no petition fee is due. The \$400.00 fee filed with the petition will be refunded to petitioners.

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

A handwritten signature in cursive script, appearing to read "D. Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions